

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 26
1407 Union Avenue, Suite 800
Memphis, TN 38104-3627

Telephone: 901-544-0018
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www.nlr.gov

November 4, 2003

Mr. Kevin Atkinson
2905 Joanna Drive
Conway, AR 72034

Re: Rock-Tenn Company
Case 26-RD-1090

Dear Mr. Atkinson:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered. As a result of the investigation, I find that further proceedings are unwarranted. The investigation disclosed that the Employer's failure to bargain in good faith with the incumbent Union regarding employee overtime issues was causally related to the employee disaffection upon which the petition was based. This conclusion is based, in part, upon an analysis of the dates the showing of interest in support of the petition was obtained in 2003. As the remedy for the alleged 8(a)(5) misconduct involves bargaining with the incumbent Union, the nature of the violation precludes a question concerning representation thus warranting dismissal of the petition. In addition, it will be alleged in the complaint which will issue, absent settlement, in Case No. 26-CA-21290, that the Employer violated Section 8(a)(1) of the Act by telling employees the Union was responsible for problems with employee overtime and that it would get the Union decertified. These comments, if proven, provide another basis for dismissing the petition. Accordingly, I am dismissing the petition, subject to reinstatement. Thus, should the allegations in the unfair labor practice proceeding ultimately be found to be without merit, an application for reinstatement of the petition may be made. In this regard, you will be made a party in interest in the unfair labor practice proceeding for the limited purpose of receiving any document that operates to finally dispose of the unfair labor practice case.

Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request therefore with the National Labor Relations Board, Washington, D.C. 20570. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned. This request for review must contain a complete statement setting forth the facts and reasons on which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board by close of business on November 13, 2003. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. A request for extension of time should be submitted to the Executive Secretary in Washington, and a copy of any such request for extension of time should be submitted to this Office and to each of the other parties to this proceeding.

The request for review and any request for extension of time must include a statement that a copy has been served on this Office and on each of the other parties to this proceeding in the same or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

Ronald K. Hooks
Regional Director

cc: Rock-Tenn Company
Mr. Ken Hogan, HR Manager
730 Enterprise
Conway, AR 72032

Mr. Paul R. Beshears, Attorney
2600 Harris Tower
233 Peachtree Street, N.E.
Atlanta, GA 30303

Rock-Tenn Company
Mr. Larry Forrester, Attorney
PO Box 4098
Norcross, GA 30091

PACE Local 5-700
Mr. Barry L. Strange, Int. Rep.
3401 North Olive Street
North Little Rock, AR 72116

Executive Secretary
National Labor Relations Board
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Washington, DC 20570